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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Citizen Holdings Kabushiki Kaisha, also
trading as Citizen Holdings Co., Ltd.

Opposer,

v.

M.Z. Berger & Co., Inc.

Applicant.

Opposition No. _____

Serial No. 77/346,590

Attorney's Reference: 31389-261390

ATTN: BOX TTAB – FEE

NOTICE OF OPPOSITION

In the matter of Application Serial No. 77/346,590 for the trademark World Time filed December 7, 2007 and published for opposition on May 13, 2008.

Citizen Holdings Kabushiki Kaisha, also Trading as Citizen Holdings Co., Ltd (hereinafter “Opposer”), a Japanese corporation having its offices and principal place of business at 1-12, 6-chome, Tanashi-cho, Nishi-tokyo-shi, Tokyo, Japan believes that it will be damaged by the registration of the mark shown in said Application Serial No. 77/346,590 and hereby opposes registration of the same.

As grounds for this opposition it is alleged that:

I

1. Opposer is engaged in the business of manufacturing and marketing clocks and watches.
2. Opposer is one of the world’s largest producers of watches.
3. The term “World Time” is descriptive of a feature or function of watches and clocks.



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4. The term "World Time" has been used to describe a feature or function of Opposer's watches.

5. The applicant has not acquired distinctiveness in the term "World Time."

6. Opposer and others who offer watches and clocks with a regional time function have an equal right to use the term "World Time" to identify such feature or function of their products.

7. The issuance to Applicant of a registration for the generic or descriptive term "World Time" will make it potentially more difficult for Opposer and others to use that term, resulting in damage to Opposer.

II

8. Opposer has used the term "World Time" on watches since prior to the December 7, 2007 filing date of the subject application.

9. Opposer has used the term "World Time" on watches since prior to any date of first use of the term "World Time" that might be alleged by Applicant.

10. To the extent that the term "World Time" is capable of trademark significance, Opposer's rights in that term are superior to Applicant's rights.

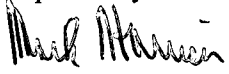
11. If the applicant were permitted to use and register its mark for its goods as specified in its application, confusion among consumers resulting in damage and injury to opposer would be caused by virtue of the similarity between applicant's trademark and opposer's trademark, and the identical nature of the goods covered by those marks. Any defect, objection or fault found with applicant's goods would reflect upon, seriously injure, and dilute the reputation and value that opposer has established.

12. Therefore, the registration of the term "World Time" to Applicant will cause harm and result in injury to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 77/346,590 be denied, and that this Opposition proceeding be sustained in favor of the Opposer.

Authorization is granted to charge Deposit Account No. 22-0261 for the \$300.00 filing fee (Class 14).

Opposer appoints Mark B. Harrison, Ellen Woodward, Rebecca Liebowitz, Julie Hopkins and Jacqueline Patt, along with the law firm of Venable LLP, P.O. Box 34385, Washington, D.C. 20043-9998 to transact all business on its behalf in connection with this Opposition proceeding.

Respectfully submitted,
By: 
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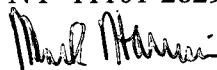
Date: September 3, 2008

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served by U.S. Mail, first class, postage prepaid, on this 3rd day of September, 2008, on the Applicant at the address listed in the current U.S. Trademark Office Records as follows:

M. Z. BERGER & CO., INC.
2976 NORTHERN BLVD, FL 4
LONG ISLAND CITY, NY 11101-2829



Mark Harrison